

JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

JUN 30 2005

FILED
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BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

**IN RE PHARMACEUTICAL INDUSTRY AVERAGE WHOLESALE PRICE
LITIGATION**

The County of Niagara v. Abbott Laboratories, Inc., et al., W.D. New York,
C.A. No. 6:05-6296

CONDITIONAL TRANSFER ORDER (CTO-23)

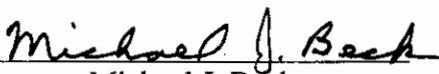
On April 30, 2002, the Panel transferred 16 civil actions to the United States District Court for the District of Massachusetts for coordinated or consolidated pretrial proceedings pursuant to 28 U.S.C. § 1407. Since that time, 58 additional actions have been transferred to the District of Massachusetts. With the consent of that court, all such actions have been assigned to the Honorable Patti B. Saris.

It appears that the action on this conditional transfer order involves questions of fact which are common to the actions previously transferred to the District of Massachusetts and assigned to Judge Saris.

Pursuant to Rule 7.4 of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, 199 F.R.D. 425, 435-36 (2001), this action is transferred under 28 U.S.C. § 1407 to the District of Massachusetts for the reasons stated in the order of April 30, 2002, 201 F.Supp.2d 1378 (J.P.M.L. 2002), and, with the consent of that court, assigned to the Honorable Patti B. Saris.

This order does not become effective until it is filed in the Office of the Clerk of the United States District Court for the District of Massachusetts. The transmittal of this order to said Clerk shall be stayed fifteen (15) days from the entry thereof and if any party files a notice of opposition with the Clerk of the Panel within this fifteen (15) day period, the stay will be continued until further order of the Panel.

FOR THE PANEL:


Michael J. Beck
Clerk of the Panel

Inasmuch as no objection is
pending at this time, the
stay is lifted.

JUL 18 2005

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JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

MWP

U.S. DISTRICT COURT
WESTERN DISTRICT OF NEW YORK [LIVE] (Rochester)
CIVIL DOCKET FOR CASE #: 6:05-cv-06296-MAT

County of Niagara v. Abbott Laboratories, Inc. et al
Assigned to: Hon. Michael A. Telesca
Cause: 28:1331 Fed. Question: Breach of Contract

Date Filed: 06/08/2005
Jury Demand: Plaintiff
Nature of Suit: 890 Other Statutory
Actions
Jurisdiction: Federal Question

Plaintiff

The County of Niagara

represented by **Aaron D. Hovan**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

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Email: jcicala@kmslaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

Abbott Laboratories, Inc.

Defendant

Agouron Pharmaceuticals, Inc.

Defendant

Alcon Laboratories, Inc.

Defendant

Allergan, Inc.

Defendant

Alpharma, Inc.

Defendant

Amgen, Inc.

Defendant

Andrx Corp.

Defendant

AstraZeneca Pharmaceuticals L.P.

Defendant

Aventis Pharmaceuticals, Inc.

Defendant

Barr Laboratories, Inc.

Defendant

Bayer Corp.

Defendant

Ben Venue Laboratories, Inc.

Defendant

Berlex Laboratories, Inc.

Defendant

Biogen Idec, Inc.

Defendant

Biovail Pharmaceuticals, Inc.

Defendant

Boehringer Ingelheim Corp.

Defendant

**Boehringer Ingelheim
Pharmaceuticals, Inc.**

Defendant

Bristol-Meyers Squibb Company

Defendant

Dermik Laboratories, Inc.

Defendant

Dey, Inc.

Defendant

Eisai, Inc.

Defendant

Eli Lilly and Company

Defendant

Endo Pharmaceuticals, Inc.

Defendant

Ethex Corp.

Defendant

Forest Laboratories, Inc.

Defendant

Forest Pharmaceuticals, Inc.

Defendant

Fujisawa Healthcare, Inc.

Defendant

Fujisawa USA, Inc.

Defendant

Genentech, Inc.

Defendant

Genzyme Corp.

Defendant

Gilead Sciences, Inc.

Defendant

GlaxoSmithKline P.L.C.

Defendant

Greenstone Ltd

Defendant

Hoffman-La Roche, Inc.

Defendant

Immunex Corp.

Defendant

Ivax Corp.

Defendant

Ivax Pharmaceuticals, Inc.

Defendant

Janssen Pharmaceutica Products, LP

Defendant

Johnson & Johnson

Defendant

King Pharmaceuticals

Defendant

McNeil-PPC, Inc.

Defendant

MedImmune, Inc.

Defendant

Merck & Co., Inc.

Defendant

Monarch Pharmaceuticals, Inc.

Defendant

Mylan Laboratories, Inc.

Defendant

Mylan Pharmaceuticals, Inc.

Defendant

Novartis Pharmaceuticals Corp.

Defendant

Novo Nordisk Pharmaceuticals, Inc.

Defendant

Oncology Therapeutics Network Corp.

Defendant

Organon Pharmaceuticals USA, Inc.

Defendant

Ortho Biotech Products, LP

Defendant

Ortho-McNeil Pharmaceutical, Inc.

Defendant

Par Pharmaceutical, Inc.

Defendant

Pfizer, Inc.

Defendant

Pharmacia Corp.

Defendant

Purdue Pharma, L.P.

Defendant

Purepac Pharmaceutical Co.

Defendant

Reliant Pharmaceuticals

Defendant

Roche Laboratories, Inc.

Defendant

Roxane Laboratories, Inc.

Defendant

Sandoz, Inc.

Defendant

Sanofi-Synthelabo, Inc.

Defendant

Schering Corp.

Defendant

Schering-Plough Corp.

Defendant

Serono, Inc.

Defendant

**SmithKlineBeecham Corp. d/b/a
GlaxoSmithKline**

Defendant

**Takeda Pharmaceuticals North
America, Inc.**

Defendant

Tap Pharmaceutical Products, Inc.

Defendant

Teva Pharmaceutical USA, Inc.

Defendant

UCB Pharma, Inc.

Defendant

UDL Laboratories, Inc.

Defendant

Warrick Pharmaceuticals Corp.

Defendant

Watson Pharma, Inc.

Defendant

Watson Pharmaceuticals, Inc.

Defendant

Wyeth

Date Filed	#	Docket Text
06/08/2005	<u>1</u>	COMPLAINT against all defendants (Filing fee \$250 receipt number 67751), filed by The County of Niagara. (Attachments: # <u>1</u> Exhibit A; # <u>2</u> Exhibit B; # <u>3</u> Exhibit C; # <u>4</u> Exhibit D; and, # <u>5</u> Exhibit E)(JHF) (Entered: 06/09/2005)

06/08/2005	Summons Issued as to all defendants. (JHF) (Entered: 06/09/2005)
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